

2015

Certified Professional Guardianship Board



Grievance Report

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CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD GRIEVANCE REPORT 2015

INTRODUCTION

We are pleased to present the 2015 Certified Professional Guardianship Grievance Report. We make this report available to all with the goal of increasing public awareness of the grievance process. We hope that the disclosure of these grievances will facilitate understanding of the rules and standards applied and the most common concerns of grievants.

Pursuant to legislative mandate, the Washington State Supreme Court established a certification process and procedure for professional guardians by promulgating General Rule (GR) 23. GR 23 created a Certified Professional Guardianship Board¹ to implement the activities necessary to develop a process to certify individuals who choose to become professional guardians. The Supreme Court, however, retains primary jurisdiction over the Board and its functions:

- The Supreme Courts retains jurisdiction over all professional guardians who practice in the state of Washington. GR 23(b).
- The Supreme Court appoints all members to the Board. GR 23(c)(1)(i).
- The Supreme Court designates the Chair of the Board. GR 23(c)(1)(iii).
- The Supreme Court enters the order certifying an individual or agency as a certified professional guardian. GR 23(c)(2)(v).
- The Board may seek Supreme Court enforcement of an order or subpoena that it issued. GR 23(c)(2)(x)(c).
- The Supreme Court approves the Board's expense budget. GR 23(c)(3).
- The Supreme Court, pursuant to its statutory authority to direct the administrative office of the courts, instructs the Administrative Office of the Courts (AOC) to provide administrative support to the Board and authorizes AOC to contract with other agencies or organizations on behalf of the Board. GR 23(c)(8).
- The Supreme Court extends quasi-judicial immunity to the Board where the Supreme Court would have immunity in performing the same functions. GR 23(c)(5).

The Board is charged with all the substantive duties of certification:

- Processing applications
- Implementing standards of practice
- Establishing a training program
- Adopting regulations for continuing education
- Approving or denying certification
- Investigating grievances and issuing disciplinary sanctions.

In any certification program, a grievance process is requisite to maintaining the standards and integrity of the process. The role of the professional guardian is to protect the incapacitated person. By definition, the incapacitated person may not be able to understand or execute the

¹ The Board is a board of the judicial branch and is therefore exempt from compliance with the Washington Administrative Procedures Act. RCW 34.05.010.

actions needed to protect himself or herself. It is vital to protecting the public that a professional guardian's actions be open to review:

The guardian shall recognize that his or her decisions are open to the scrutiny, criticism, and challenge of others. Subject to orders of the court, the guardian alone is ultimately responsible for decisions made by the guardian on behalf of the incapacitated person.

Standards of Practice 402.1.

This report summarizes the Board's efforts to investigate grievances received from the public regarding certified professional guardians or certified professional guardian agencies.

THE GRIEVANCE PROCESS

Purpose and Scope

GR 23(a) recites its purpose and scope as:

This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

GR 23(c)(2) outlines in greater detail the duties assigned to the Board in receiving and reviewing grievances:

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

Among the many regulations governing the certified professional guardians are the Disciplinary Regulations 500 et seq. These regulations detail the grounds for disciplinary action and the procedures for investigation, review, settlement and hearing.

How the Grievance Process Works

Knowing how the Board defines a grievance and a complaint is key to understanding the grievance process.

A “grievance” is a written document filed by any person with the Board, or filed by the Board itself, for the purpose of commencing a review of the professional guardian’s conduct under the rules and disciplinary regulations applicable to professional guardians.

A “complaint” is the document filed by the Board during a disciplinary proceeding for the purpose of bringing the matter before a hearing officer for a factual hearing on the issue of whether or not the professional guardian’s conduct provides grounds for the imposition of disciplinary sanctions by the Board.

If a grievance is not dismissed or resolved without a formal proceeding, it will become a complaint.

Any person may file a grievance with the Administrative Office of the Courts (AOC) regarding a certified professional guardian or a certified professional guardian agency. Grievances may be completed on-line on the Washington Courts website at www.courts.wa.gov, or by submitting a written grievance to AOC.

AOC staff reviews the grievance and makes an initial determination if the Board has jurisdiction over the issues raised. AOC provides the professional guardian or agency identified with a copy of the grievance and requests a response.

To ensure that the Standards of Practice Committee (SOPC), the committee of Board members responsible for supervising the grievance process, has the information needed to determine if a grievance should be dismissed or action taken, AOC may perform other necessary investigation of the grievance including interviewing the grievant, interviewing the professional guardian, and obtaining relevant records or documentation from any person or entity. AOC then reports the results of its investigation to the Standards of Practice Committee (SOPC).²

The SOPC reviews the reports and takes action on the grievance. The SOPC may request further action as designated from AOC staff, dismiss the grievance, request that the Board file a complaint, or request that the Board enter into an Agreement Regarding Discipline.

AOC forwards a grievance involving an active guardianship case that is not dismissed by the Board’s disciplinary committee to the appropriate superior court with a request that the court review the matter, take any action necessary including modification, removal of the guardian, and clarification of rights and duties and report to the Board.

An Agreement Regarding Discipline (ARD) is a conditional settlement agreement negotiated between the SOPC and the certified professional guardian (or agency). Once an agreement has been reached, it is presented to the Board in Executive Session for review. The Board then votes to approve or deny the Agreement in open session. The Board’s decision is recorded in the meeting minutes. Approved Agreements are posted on the Washington Courts website for public disclosure.

² The Standards of Practice Committee is comprised of at least three (3) members of the Board including at least one judicial officer or attorney and at least one certified professional guardian. DR 505.1.

If a settlement cannot be reached, the SOPC may request that the Board file a complaint regarding disciplinary action against the certified professional guardian. Filing of a complaint commences a hearing process not dissimilar to an administrative hearing. Once filed, the complaint is of public record and is posted on the website. All subsequent proceedings are open to the public.

The Administrative Office of the Courts (AOC) contracts with a hearing officer (administrative law judge) to conduct the remainder of the hearing proceedings. The administrative law judge must prepare a written findings of fact, conclusions of law, and recommendations to the Board regardless of the disposition of the matter. The Board then reviews the findings, conclusions, and recommendation and determines what further action to take.

Impact of Newly Implemented GR 31.1

GR 31.1, the Supreme Court's rule governing access to administrative records, was adopted with an effective date of January 1, 2016.

Per GR 31.1, standards for public access to records of the Certified Professional Guardianship Board have been revised to allow for greater access to records concerning grievances filed against certified professional guardians.

A grievance is now open to public access, along with any response to the grievance submitted by the professional guardian or agency, once the investigation into the grievance has been completed or once a decision has been made that no investigation will be conducted. The name of the professional guardian or agency shall not be redacted from the grievance.

New Posting Rule

The Board adopted the following rule for posting grievances and complaints. According to the proposal, dismissed grievances will not be posted.

Posting Records. For a grievance or complaint that results in discipline to a professional guardian, the grievance or complaint, any response submitted by the professional guardian, the agreement or order imposing discipline, and any order on appeal by the professional guardian, shall be posted for public access on the website for the Administrative Office of the Court.

Flow Chart of Grievance Process



Structure and Funding

The Supreme Court delegated primary responsibility to the Board to investigate and sanction professional guardians regarding continued certification. The Supreme Court retains primary jurisdiction over professional guardians practicing in the state of Washington. Any Board recommendation of suspension or decertification resulting from a disciplinary proceeding must be filed with the Supreme Court. The Supreme Court must review such a recommendation after consideration of the transmitted record. By written order, the Court may adopt, modify, or reverse the Board's recommendation.

Funds from application fees, annual recertification fees, and any other revenue are used to defray Board expenses. Board members do not receive any compensation for service. Board members are only reimbursed for actual and necessary expenses incurred in the performance of their duties.

The Supreme Court has instructed the Administrative Office of the Courts (AOC) to provide administrative support to the Board. Staff members who provide support to the Board are AOC employees and receive compensation and benefits according to the human resources policies of AOC at large.

Disciplinary Actions/Sanctions

Any disciplinary sanction against a certified professional guardian or agency is undertaken with only the utmost gravity. A sanction is only appropriate upon a finding of a preponderance of the evidence that the guardian has engaged in professional conduct in violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians, and that conduct caused, or potentially could cause, harm to the incapacitated person, the public, or a legal proceeding. Alternatively, any conduct that adversely reflects on the guardian's fitness to serve as a guardian, such as criminal activities or deceit, may result in disciplinary action or sanctions regardless of actual or potential harm.

Disciplinary Regulations (DR) 515 Sanctions and Remedies authorize five types of sanctions to be issued against a certified professional guardian:

- Decertification
- Suspension
- Prohibition against taking new cases
- Reprimand
- Admonishment

All five sanctions constitute disciplinary action and are open to public disclosure. If the Board approves of a sanction against a certified public guardian, an announcement of disciplinary action is sent to all superior courts in Washington. The disciplinary action is maintained in the guardian's file and posted on the Washington Courts website at:

http://www.courts.wa.gov/programs_orgs/guardian/

Decertification

Decertification is the most severe sanction. If a professional guardian is decertified, RCW 11.88.008 limits the number of guardianship cases for which a guardian may accept compensation to two (2).

The Disciplinary Regulations describe factors to be considered for decertification:

DR 515.2.1 Decertification is generally appropriate when a professional guardian engages in:

515.2.1.1 Professional misconduct; or deceive the court; or cause serious or potentially serious injury to a party...,

515.2.1.2 Felonious criminal conduct,

515.2.1.3 Any other intentional misconduct involving dishonesty, fraud, deceit, or misrepresentation...,

515.2.1.4 Gross incompetence as demonstrated by a pattern or practice of late filings, accounting errors, case tracking, or other violations of the SOPs, and where the guardian has not corrected the behavior despite previous attempts by the courts or the Board to correct the behavior.

To warrant the sanction of decertification, the guardian actions must have intentionally violated one or more Standards of Practice or other specified regulation. As a fiduciary, a guardian has the duty to act primarily for another's benefit, selflessly, and with undivided loyalty. Conduct intended to benefit his/herself or involving dishonesty, fraud, deceit or misrepresentation may result in decertification.

A guardian may also be decertified for gross incompetence. The certification process is to establish a baseline of competency among professional guardians. Professional conduct that falls below such a baseline may be deemed "gross incompetence." In considering whether actions constitute gross incompetence, the Board may apply a "reasonableness" standard.

A guardian who has demonstrated a pattern and practice of a particular behavior that falls below the Standards of Practice may also be decertified for gross incompetence. DR 506.4 authorizes the Standards of Practice Committee to direct a guardian to take corrective actions where an issue is of minor significance or of a nature not potentially harmful to clients or other persons. However, repeated failure to meet a SOP may rise to the level of gross incompetence.

For example, a guardian may not file an annual report on time. A few instances are likely correctible and unlikely to cause a client harm. The SOPC may request that the guardian participate in additional training, audit the guardian's cases on a frequent basis, or set up monitoring by an independent third party for a period of time.

However, if the guardian's conduct persists despite these or other attempts to correct the behavior, the pattern and practice of late filing may arise to the level of gross incompetence and warrant decertification.

Administrative Decertification

Guardians are required to renew their certification annually and complete 24 credit hours of continuing education biennially. Failure to comply with these professional responsibilities may result in administrative decertification.

DR 522 Administrative Decertification

If the board decertifies a professional guardian for an administrative reason, including but not limited to the professional guardian's failure to: pay required fees, satisfy the continuing education requirements, provide proof of insurance or waiver of insurance, or file required information with the board, any pending disciplinary grievance against the professional guardian may be dismissed. ... Information that a grievance was pending at the time of administrative decertification shall be placed in the guardian's licensing records and shall be available to the public.

Once the renewal deadline has passed, AOC provides a notice to the guardian to comply. In addition to completing the renewal process, the guardian may be required to pay a late fee. Failure to timely complete these actions and file the appropriate applications and disclosures with AOC is a basis for disciplinary action against a guardian for noncompliance. If the guardian fails to comply, the guardian may be decertified upon approval of the Board.

Prohibition on Taking New Cases/Suspension

In some cases, an appropriate sanction may be to place limits on the professional guardian's on-going practice. These limitations may be temporary pending a change in the guardian's circumstances or an ongoing limitation or suspension of the guardian's practice.

DR 515.2.2 Prohibition against taking new cases or suspension for a period of time, or both, is generally appropriate when a professional guardian engages in:

515.2.2.1 Professional conduct incompatible with the Standards of Practice and causes injury or potential injury to a party, the public, or the legal system, or causes interference or potential interference with a legal proceedings, or

515.2.2.2 Criminal conduct that seriously adversely reflects on the professional guardian's fitness to serve.

Reprimand

A reprimand typically does not disrupt a guardian's practice; however, it indicates a serious error in a guardian's conduct. Repeated actions that warrant multiple reprimands may rise to the level of gross incompetence and subject the guardian to decertification.

DR 515.2.3 A letter of reprimand is generally appropriate when a professional guardian engages in:

515.2.3.1 Professional misconduct incompatible with the Standards of Practice and causes injury to a party, the public, or the legal system, or causes interference with a legal proceeding, or

515.2.3.2 Any other misconduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the professional guardian's fitness to practice.

Admonishment

Admonishment is the lowest sanction available. Admonishment is appropriate in minor or single events of misconduct.

DR 515.2.4 A letter of admonishment is generally appropriate when a professional guardian engages in professional misconduct incompatible with the standards of practice and not rising to the level justifying a reprimand.

Remedies

In addition to the five sanctions, the Board may implement various remedies for the purpose of ensuring the guardian complies with the duties, standards, and requirements of a professional guardian. For example, the Board may place a guardian on probation, prohibit the guardian from taking new cases, or require the guardian complete additional training. The Board may also require monitoring on a periodic basis or mentoring with regular reports back. Finally, the Board may always review a guardian's caseload through internal audit.

Dismissal

All grievances received by the Administrative Office of the Courts (AOC) are investigated as appropriate. AOC may dismiss grievances in limited circumstances: administratively and for lack of jurisdiction.

AOC may dismiss a grievance for administrative reasons. The most common administrative dismissal occurs because the grievant decides not to pursue the grievance. The withdrawal of a grievance does not mandate administrative dismissal; however, circumstances may indicate that dismissal is appropriate.

Second, the Board's jurisdiction is limited to certified professional guardians or agencies acting in the capacity of a guardian.³ For example, grievances may be filed regarding a guardian ad litem's investigation and report. Some certified professional guardians also act as trustees. However, the Board has no jurisdiction to investigate a grievance in these circumstances. If the Board clearly has no jurisdiction, AOC will promptly dismiss the grievance and may notify the entity with jurisdiction.

The most common basis for dismissal is that the guardian's conduct does not rise to the level of a violation of a Standard of Practice. Following AOC's investigation and report, the SOPC may dismiss any grievance and is not required to obtain Board approval. However, the SOPC may present a grievance to the Board if there has not been a clear consensus on dismissal, or the SOPC believes that the Board should be consulted for other reasons.

In some grievances, the SOPC determines that a guardian's conduct may not clearly violate a Standard of Practice; however, the guardian's conduct or practice may be improved with additional training, counseling, or other remedial steps. If the guardian complies with the SOPC's direction, the matter is then reported to the Board for approval of the correction. If the Board approves of the SOPC's actions, the grievance may be dismissed with no sanction reported on the guardian's file.

Alternatively, if the guardian does not comply with the SOPC's recommendation, the SOPC may reconsider the grievance, request additional investigation, and the noncompliance may constitute an addition factor in whether to proceed to the level of a sanction.

Termination

Termination of a grievance is distinguished from dismissal as discussed above. Termination is not based on an investigation and determination on the merits of a grievance. Termination of open grievances serves primarily to conserve the Board's efforts once a CPG is no longer acting as a professional guardian.

As discussed above, a CPG may be decertified for either violation of a Standard of Practice or noncompliance with certification maintenance requirements, including annual certification fee and disclosure, continuing education, or E&O insurance requirements. Once the CPG has been decertified and no longer acting as a guardian, there is no longer a substantial risk of harm to the public.

³ The limited exception is if the guardian's conduct indicates a lack of fitness to be a guardian, such as criminal actions or fraud unrelated to their guardian duties.

Similarly, a CPG may request to be on inactive status or to voluntarily surrender of his/her certification. The CPG must comply with all statutory and court-ordered requirements for discharge as a guardian prior to completing transition to inactive status or surrender. Once the former CPG has been discharged, s/he may not accept any new clients or engage in work as a CPG.

A former CPG may petition for reinstatement or return to active status. At that time, AOC may reinitiate investigation in any terminated grievance pursuant to DR 504.1.

GRIEVANCES AT A GLANCE 2015

In 2015 the Board opened sixty-five (65) grievances. Ten (10) cases were closed for lack of jurisdiction. Three additional cases were terminated. The majority of the cases dismissed for lack of jurisdiction – nine (9) did not involve Certified Professional Guardians (CPG). One (1) involved a trustee, three (3) involved lay guardians, and two (2) involved Guardian Ad Litem. In three of the cases there was no jurisdiction because the underlying matters involved out of state court matters. Two (2) of the cases lacked jurisdiction both because a CPG was not involved, and the matters arose in other states.

Fifty-three (53) grievances required resolution on the merits. Ten (10) were closed by the end of the year for no actionable conduct. Ten (10) cases were investigated. At the end of 2015 thirty three (33) grievances remained requiring investigation. The grievances involved twenty-six (26) guardians or guardianship agencies, approximately 9.6% of the professional guardians in Washington State. In 2015 there were two hundred and seventy (270) active professional guardians in Washington State. Several guardians were involved in multiple grievances⁴.

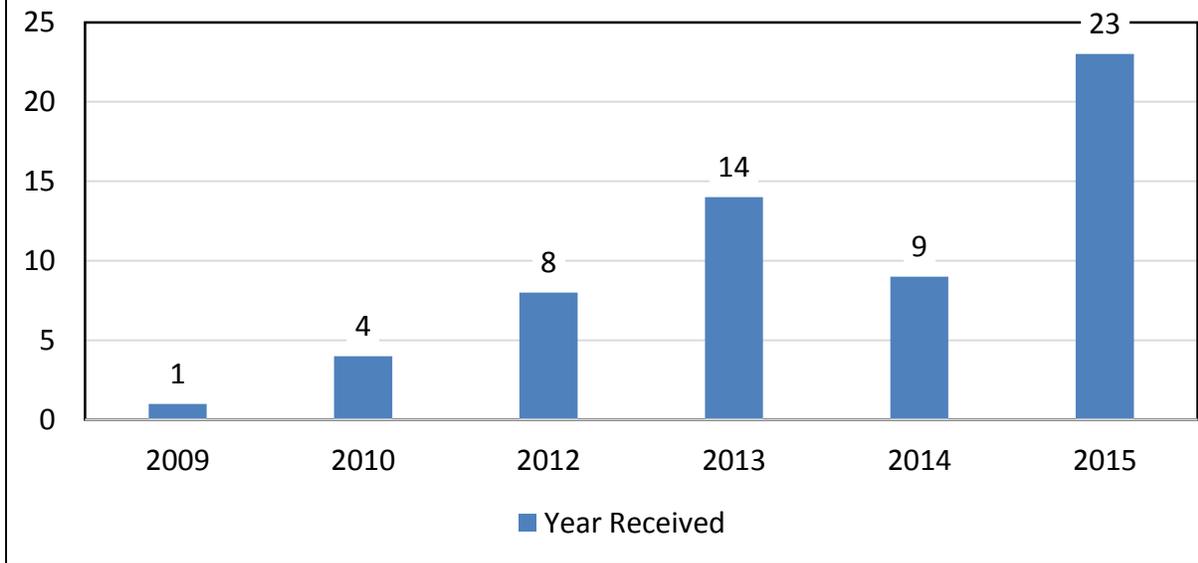
2015 CERTIFIED PROFESSIONAL GUARDIAN GRIEVANCES

Grievances	2015
Total Opened	65
Total Closed	20
Total Terminated	3
Total Investigated	10
Total Needing Investigation	33

The chart below shows the total number of grievances closed in 2015 by year opened. Grievances that proceed to hearing require substantially more time.

⁴ A chart showing guardians/guardianship agencies with more than one grievance out of the Board's total pending grievances for 2015 is attached below.

Grievances Resolved in 2015



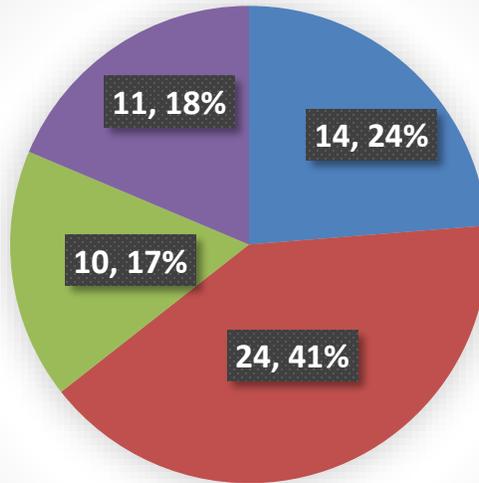
Resolution

Fifty-nine (59) grievances were closed in 2015 that had been received between 2009 and 2015. Thirty eight (38) of the grievances closed were dismissed; twenty-four (24) for no actionable conduct, one (1) for insufficient allegations, and thirteen (13) for lack of jurisdiction. Ten (10) grievances were terminated, either because the guardian died, or because the guardian voluntarily surrendered his or her certification. In eleven (11) cases sanctions were imposed. Four of the grievances resulting in a sanction for a single guardian (Suspension) were from 2010 and one was from 2009; these had gone to a hearing and then through an appeal process before resulting in a sanction for the guardian.

Resolution ⁵	2009	2010	2012	2013	2014	2015	Total
Dismissal - No actionable conduct			5	7	2	10	24
Dismissal - No jurisdiction				2	1	10	13
Insufficient grievance					1		1
Voluntary surrender				2	1		3
Admonishment			2				2
Suspension	1	4					5
Decertification			1				1
Termination				3	4	3	10
Total Closed	1	4	8	14	9	23	59

⁵ The data on resolution is calculated on each individual grievance closed. A sanction against a single professional guardian, however, may have been based on multiple grievances. For example, there were six grievances that were opened in 2011 which were closed in 2014, but there were two CPGs involved in one of the grievances, each of whom received a different sanction. Therefore, there were 7 sanctions in those six cases.

Grievances Resolved in 2015

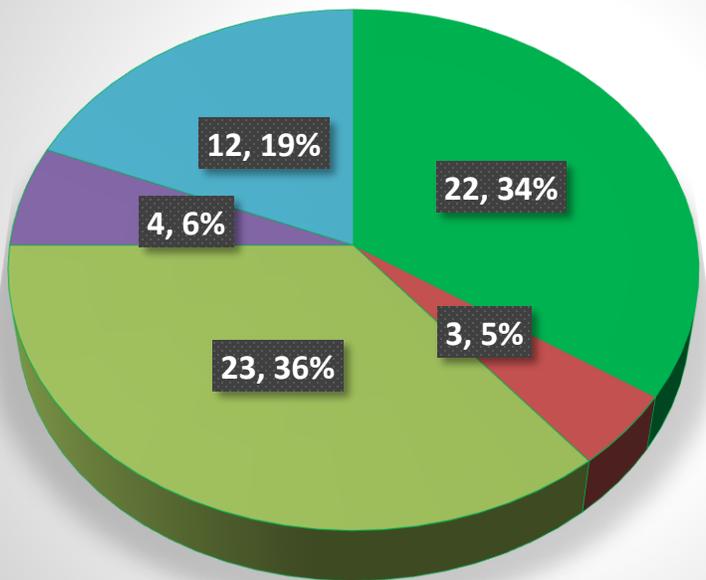


- Dismissed: No Jurisdiction
- Dismissed: No Actionable Conduct
- Termination
- Sanctioned

Sources of Grievances.

Any person may file a grievance regarding the conduct of a certified professional guardian. The Board may on its own authority file a grievance against a guardian either as a result of a random audit or concerns that have been brought to the Board's attention.

Source of Grievances Received in 2015



- Family/Friend
- IP
- Social Service
- Court
- Facility

In 2015 23% grievances were submitted by social services personnel or agencies. This group includes Adult Protective Services (APS), Developmental Disability, social workers, and medical personnel. The Board refers matters raising the possibility of abuse, neglect or exploitation to APS, which has its own intake and investigation process. Although both APS and the Board are concerned about the protection of vulnerable individuals, their purposes and remedies are different.

The second most common group who submitted grievances were family members. A third significant source for grievances is residential facilities in which the Incapacitated Person resides. It is not surprising that the three most common sources with the most frequent and the closest contact with the incapacitated person are most likely to see conduct that causes them concern.

Grievances by Standards of Practice

Grievances are evaluated against the Standards of Practice, which are fairly comprehensive statements of the professional conduct expected from professional guardians. The Standards of Practice may be found in their entirety at:

http://www.courts.wa.gov/content/publicUpload/CPG/20131014_SOP_Regulations.pdf

The Standards of Practice cover the broad range of a professional guardian's responsibilities. In 2014 the two largest number of grievance violations involved either the failure to manage the Incapacitated Person's financial affairs, or for the guardian to appropriately carry out his/her duties and follow all laws.

Generally grievances about financial matters fall into one or more of these subcategories: 1) mismanagement of the estate; 2) failure to timely pay bills; or 3) failure to apply for public benefits. The other significant category of violations arose from the guardian's failure to perform duties and discharge obligations in accordance with applicable Washington and federal law and the requirements of the court. A guardian's duty to the court includes timely filing of all required annual reports to the court, maintaining current letters of guardianship, and timely filing of a designation of stand-by guardian.



GRIEVANCE CASE SUMMARIES

Grievances Resolved in 2015

Below are brief summaries for the grievances investigated and closed by the Certified Professional Guardian Board in 2015. Also included is a category of pending grievances, which should be resolved early in 2016.

Matters resolved by disciplinary proceeding are listed, as those resolved by Agreements Regarding Discipline. Agreements Regarding Discipline (sanctions) are of public record and posted on the Washington Courts website at: http://www.courts.wa.gov/programs_orgs/guardian/.

The five types of sanctions authorized in the Disciplinary Regulations are set out below, as well as Voluntary Surrender, a possible disciplinary remedy. As briefly discussed in footnote 4 above, some guardians receive sanctions based on multiple grievances. All grievances associated with a particular sanction are noted in each entry below.

We include a discussion of dismissals with a summary of the allegations and SOP violations.

Pending – Admonishment

CPGB 2012-002, 2012-013, 2012-038, 2012-045 and 2012-046 Maureen Carroll [CPG No. 10908] [King County], seeking admonishment for failure to file timely reports and to appoint standby guardian. SOP 401.1, 401.3, 401.5, and 401.6.

Decertification

CPGB No. 2012-039 Emerald City Guardianship Services [CPGA No.11249] and Crystal Jordan [CPG No. 10941] [King County], decertified for failure to have designated two certified professional guardians for the agency and to notify the Board within five days of not having two CPGs; to charge guardian fees in addition to compensation received from the Office of Public Guardianship; to provide IP with basic clothing; to visit the IP regularly or make arrangements

for qualified visits; to properly manage the financial affairs of the IP to meet his personal needs; and for making multiple false statements under oath. SOP 404.1, 404.1.1, 404.2, 406.1, 406.2, 409.1, 409.2, 409.3, 409.4, 410.2, CMR 706.1, CMR 706.3, DR 515.2.1.1 and DR 515.2.1.3.

Suspension

CPGB No. 2010-005, 2010-006, 2010-007, 2010-008 and 2009-013 Lori Petersen [CPG No. 9713] [Spokane County], suspended for failure to consider the views and opinions of professionals, family and friends knowledgeable about the IP, to consult with IP and respect the feelings, values and opinions of the IP, and to consult with IP before relocating to a new residence. SOP 402.2, 403.2, and 407.7. The CPG appealed the suspension to the Supreme Court. The Supreme Court affirmed the findings, but remanded the case to the Board for consideration of the proportionality of the discipline imposed. The Board reviewed the case. It petitioned the Supreme Court 1) to affirm the Board's sanction against Lori A. Petersen of one year suspension as proportional; 2) to affirm the Board's recommendations for the remedy of monitoring for 24 months following the end of the suspension at Lori A. Petersen's expense; and 3) to affirm the Board's recommendation that the CPG pay costs to the Board in the amount of \$7,500.00. The Board's recommendations to the Supreme Court were affirmed and adopted.

Admonishment

CPGB No. 2012-012 Constance O'Hara [CPG 11396] [Spokane County], admonished for failure and significant delays in making court ordered payments to the IP's wife, making court ordered payments for the IP's participation, medical insurance, and personal needs expenses, late filings of reports, and for serving as guardian with expired letters of guardianship. SOP 401.1, 409.1, 409.4 and 409.5.

CPGB No. 2012-044 Holly Surface [CPG 11393], [King County], admonished for working simultaneously as a paralegal on the IP's guardianship, while functioning as guardian and for not notifying the court of a potential conflict or exploring other alternatives to providing direct services. SOP 406.2 and 406.4.

Voluntary Surrender

CPGB No. 2013-052, 2013-060 and 2014-003 Pamela Privette [CPG No. 9714] [Thurston County], voluntarily surrendered her certification for not providing complete and accurate court reports, for not applying for public benefits in a timely manner, for failing to advance herself fees without court approval, and for failing to assure competent management of the property and income of the estate. SOP 401.1, 401.2, 401.3, 401.5, 409.1, 409.4, 410.2 and 410.3.

Dismissal

CPGB 2012-025 [Clark County], alleged failure to reduce the IP's participation so that he would have enough income to pay the facility for the cost of care; dismissed for no actionable conduct. SOP 409.7.

CPGB 2012-029 [King County], alleged failure to follow a court order regarding distribution of the IP's personal belongings after he had to move out of his long-term residence; dismissed for no actionable conduct. SOP 401.1.

CPGB 2012-032 [Cowlitz County], alleged failure to respect the IP's wishes regarding residential placement, preferred caregivers and IP's wishes; dismissed for no actionable conduct. SOP 403.1, 403.2, 403.3 and 409.1

CPGB 2012-033 [Clark County], alleged failure to respect the IP's wishes regarding residential placement, failure to visit the IP, failure to submit an Annual Report that met accounting standards; dismissed for no actionable conduct. SOP 404.1; 407.1, 407.3, and 409.1.

CPGB No. 2012-048 [Pierce County], alleged failure to place the IP in an appropriate residential placement near to family, failure to work cooperatively with the family, failure to arrange for necessary treatment, and failure to competently manage the IP's property; dismissed for no actionable conduct. SOP 402.1, 407.5, 408.1, and 409.1.

CPGB 2013-001 [King County], alleged failure to ascertain the market price of the IP's home and to instead sell it to a business associate at a lower price; dismissed for no actionable conduct. SOP 401.1, 409.1, and 409.2.

CPGB 2013-009 [King County], alleged failure to work cooperatively with the co-guardian and to seek consideration of court ordered attorney's fees from the IP's Medicaid participation; dismissed for no actionable conduct. SOP 401.1, 401.4, 409.1 and 409.2.

CPGB No. 2013-016 [Pierce County], alleged failure to visit the IP for seven months and failure to spend funds authorized by the court on the IP; dismissed for no actionable conduct. SOP 401.1, 404.1.1 and 409.1.

CPGB No. 2013-018 [Clark County], alleged failure to visit the IP and to return his calls; dismissed for lack of jurisdiction. SOP 404.1 and 403.2.

CPGB No. 2013-019 [Clark County], alleged failure to keep accurate records of billings and to accurately reflect activities being billed, and to timely file all required reports; dismissed for no actionable conduct. SOP 410.2 and 401.5.

CPGB No. 2013-022 [Spokane County], alleged failure to ensure appropriate medical treatment for child; dismissed for lack of jurisdiction. SOP 408.1.

CPGB No. 2013-027 [King County], alleged failure to pay a caretaker's bill; dismissed for no actionable conduct. SOP 409.1

CPGB No. 2013-028 [Pierce County], alleged failure to address abuse of IP in her AFH and to move the IP back to the more suitable family residence; dismissed for no actionable conduct. SOP 402.1, 407.1 and 407.5.

CPGB 2013-054 [King County], alleged failure to consult with the IP about a change in residence, to move the IP in a reasonable amount of time from an unsuitable residence, to fail to arrange necessary and preventive medical care, to visit the IP, and to charge reasonable fees; dismissed for no actionable conduct. SOP 402.1, 402.7, 403.2, 403.6, 404.1, 407.1, 407.3, 408.4, and 410.

CPGB No. 2014-029 [Clark County], alleged problems with short term memory and general judgment and inability to manage the financial affairs of the IP; dismissed for lack of jurisdiction. SOP 409.1.

CPGB No. 2014-047 [King County], alleged false advertisement on CPG's website of belonging to organizations that he did not belong to; dismissed for no actionable conduct. SOP 401.1.

CPGB 2014-049 [Lewis County], alleged problems with the guardian taking the IP's property; dismissed for no actionable conduct. SOP 409.1.

CPGB No. 2014-060 [Clark County], alleged failure to cooperate with Trustee of IP's special needs trust and to provide necessary information regarding expenses; dismissed for insufficient grievance. SOP 402.1 and 409.1.

CPGB No. 2015-001 [Clark County], alleged failure to respect wishes of the IP or of the family, and mismanagement of family trust; dismissed for no actionable conduct. SOP 402.1, 407.3, and 409.1.

CPGB No. 2015-011 [King County], alleged failure to fill prescription ordered by a physician due to CPG disagreement with treatment; dismissed for no actionable conduct. SOP 408.4 and 402.6.

CPGB No. 2015-013 [Spokane County], alleged failure to pay the cost of care with result that the IP is threatened with a notice of eviction by non-Certified Professional Guardian; dismissed for lack of jurisdiction. SOP 409.1.

CPGB No. 2015-020 [Kitsap County], alleged failure to set up a bank account for the IP, pay the IP's bills, or to give the IP a monthly allowance; dismissed for lack of jurisdiction. SOP 409.1.

CPGB No. 2015-021 [Palm Beach County], alleged failure to file timely annual report, to supervise caregiver, and to maintain the IP in a suitable residential placement; dismissed for lack of jurisdiction. SOP 409.1

CPGB 2015-022 [King County], alleged failure to pay the cost of care and to make an appropriate residential placement in the AFH; dismissed for no actionable conduct. SOP 407.1, 409.1.

CPGB No. 2015-024 [Kitsap County], alleged failure of guardian to be reached by medical care facilities seeking to discharge the IP to suitable residential placement; dismissed for lack of jurisdiction. SOP 407.1, 407.6. and 407.7.

CPGB No. 2015-026 [Benton County], alleged failure of the guardian to respect the residential preferences of the IP or to permit the IP to visit with family and friends, to properly manage the IP's finances, or to report substantial change in the IP's condition to the court; dismissed for lack of jurisdiction. SOP 402.1, 403.1, 407.1, 409.1 and 411.1.

CPGB No. 2015-027 [Pierce County], alleged failure of the guardian to work with the family, facility and medical providers to ensure that the IP had suitable hearing aid, and to ensure that the facility safeguarded the hearing aid; dismissed for no actionable conduct. SOP 402.1 and 408.4.

CPGB No. 2015-030 [King County], alleged failure of the guardian to plan removal of all of the IP's belongings from his rental at the end of the rental period; dismissed for no actionable conduct. SOP 401.1 and 409.1.

CPGB No. 2015-035 [King County], alleged failure of an individual who was not a certified professional guardian to visit the IP in two years, nor to respond to emergency calls from

hospital and AFH regarding hospitalization of the IP; dismissed for no jurisdiction. SOP 404.1., 404.3 and 408.1.

CPGB No. 2015-049 [Skagit County], alleged failure of a guardian ad litem to listen to all the parties in conducting his investigation; dismissed for no jurisdiction. SOP 402.2.

CPGB 2015-050 [Snohomish County], alleged failure of the guardian to give the IP all of his allotted spending money; dismissed for no actionable conduct. SOP 403.1 and 409.1.

CPGB 2015-051 [King County], alleged failure of the guardian to provide the IP with sufficient money to meet her discretionary needs; dismissed for no actionable conduct. SOP 409.1.

CPGB 2015-054 [Clark County], alleged failure of the guardian to return phone calls from the IP's family or to permit reasonable visitation between the IP and his wife; dismissed for no actionable conduct. SOP 404.1.2., and SOP 407.5

CPGB 2015-056 [Clark County] alleged failure of an individual who was not a certified professional guardian to respect the IP's refusal of treatment; dismissed for no jurisdiction. SOP 403.1 and 403.2.

CPGB 2015-060 [Clark County] alleged theft of the IP's property by an individual who was not a certified professional guardian; dismissed for no jurisdiction. SOP 409.1, and 409.4.

CPGB 2015-061 [King County] alleged that the CPG failed to properly monitor the IP's medical care and that CPG improperly had itself appointed as the trustee for the IP's trust; dismissed for no actionable conduct. SOP 401.1, 408.4 and 409.1.

CPGB 2015-062 [Clark County] alleged failure of the CPG to comply with DSHS requirements for IP's receipt of benefits and failure to promptly return DSHS calls and emails; dismissed for no actionable conduct. SOP 402.1, 402.7 and 409.7.

CPGB 2015-064 [Grays Harbor] alleged failure of GAL to file timely reports, or investigate thoroughly; dismissed for no jurisdiction. SOP 404.1.1, and 401.5.

Termination

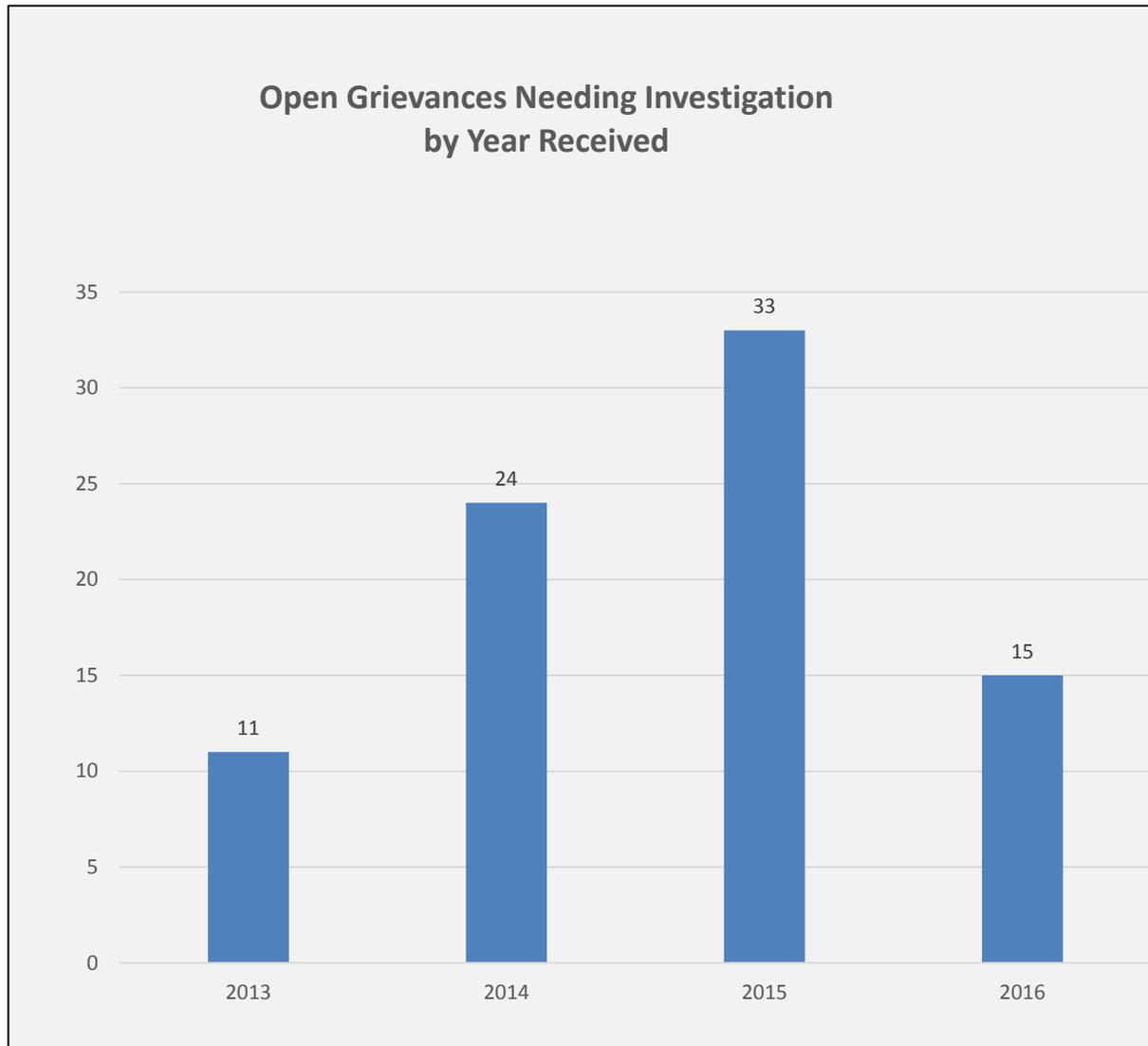
2013-010, 2013-058, 2014-008, 2014-028 Ester Mihet [CPG No. 10612] [Snohomish County], terminated after CPG voluntarily surrendered her certification. SOPs 401.1, 401.3, 406.2, 409.1, 409.4, 409.7, 410.1, 410.2, and 410.3.

2013-036, 2014-056 and 2015-010 Pamela Privette, [CPG No. 9714] [Thurston County], terminated after CPG voluntarily surrendered her certification. SOPs 402.7, 404.1, 404.9, and 409.4.

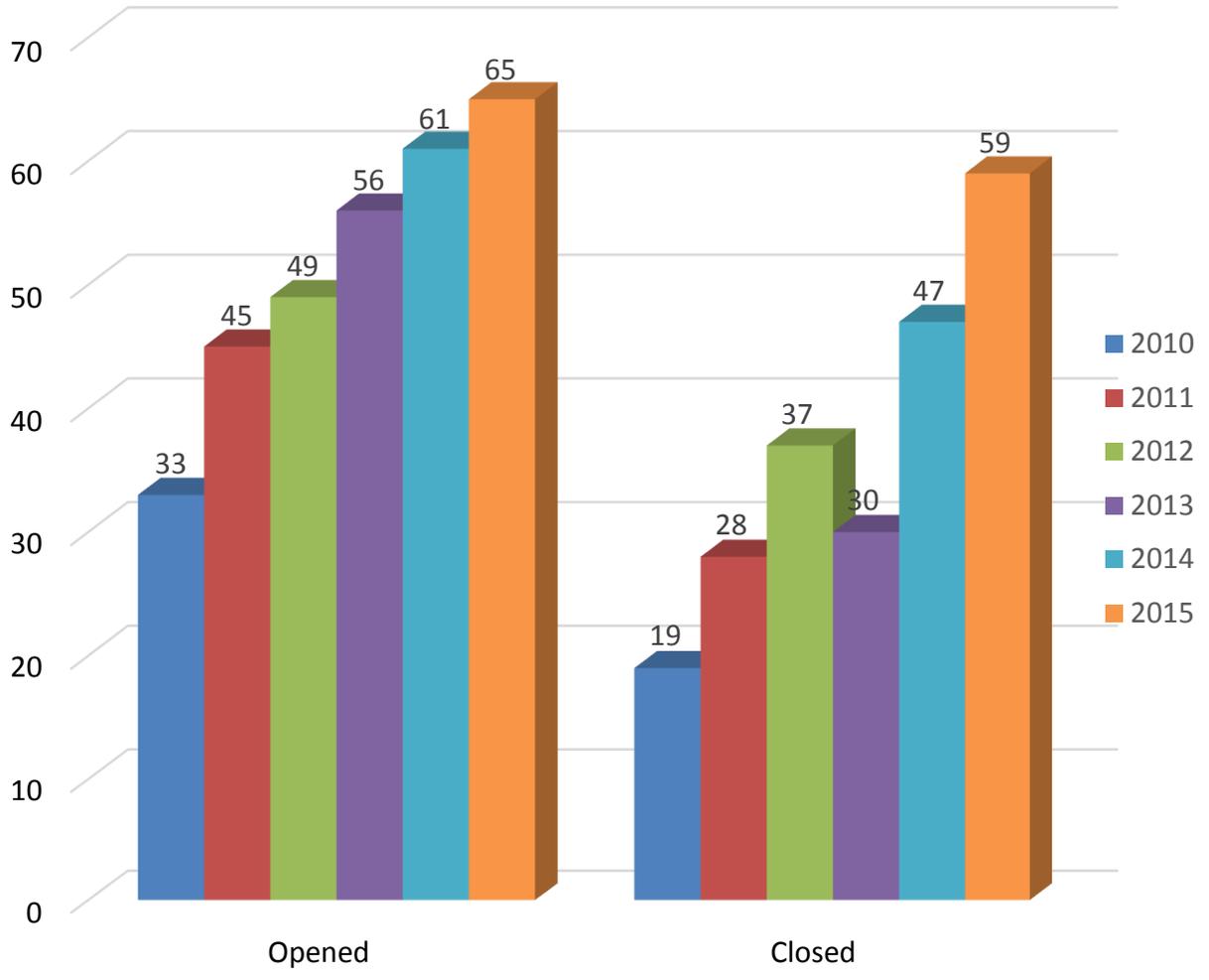
CPGB No. 2014-036 Barbara Webster [CPG 4759] [Pierce County], terminated after CPG voluntarily surrendered her certification. SOPs 402.1.

2015-002 and 2015-046 Carolyn Ohlberg [CPG 11567] [King County], terminated after death of CPG. SOPs 401.1 and 409.1.

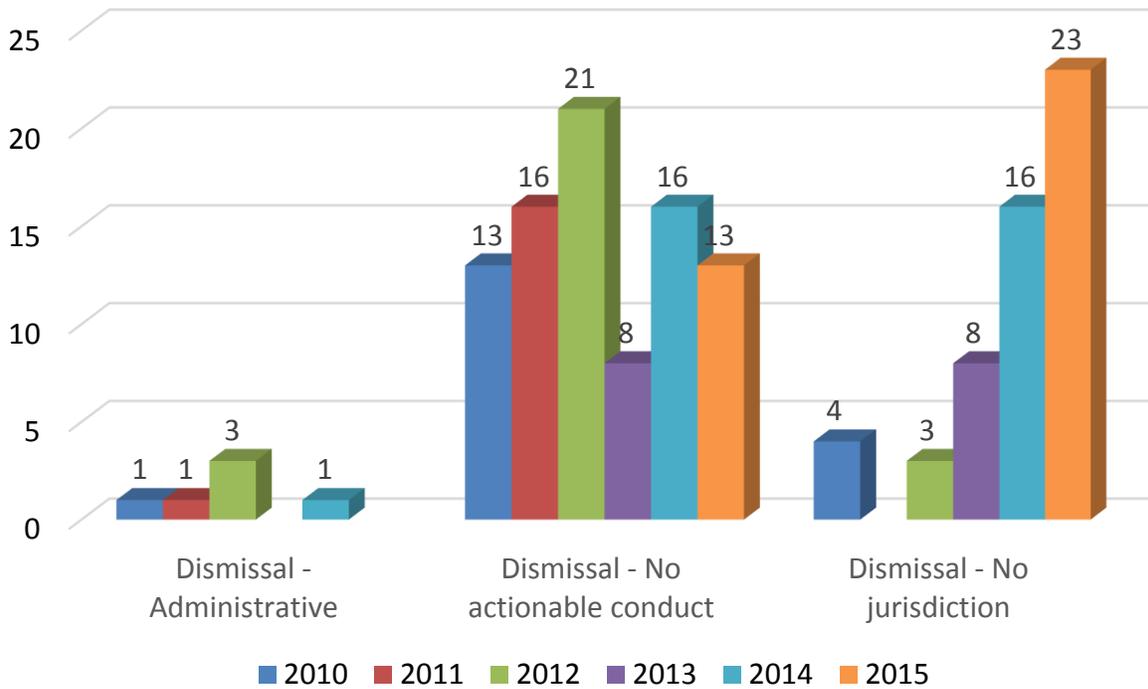
Appendix A



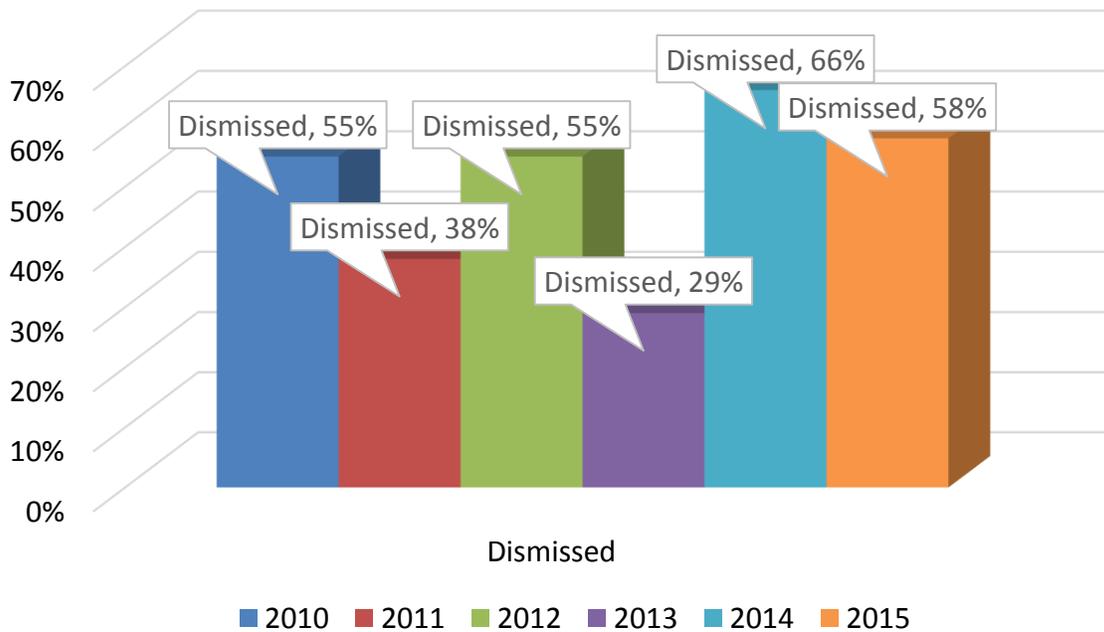
Five Year Comparison of Opened and Closed Grievances



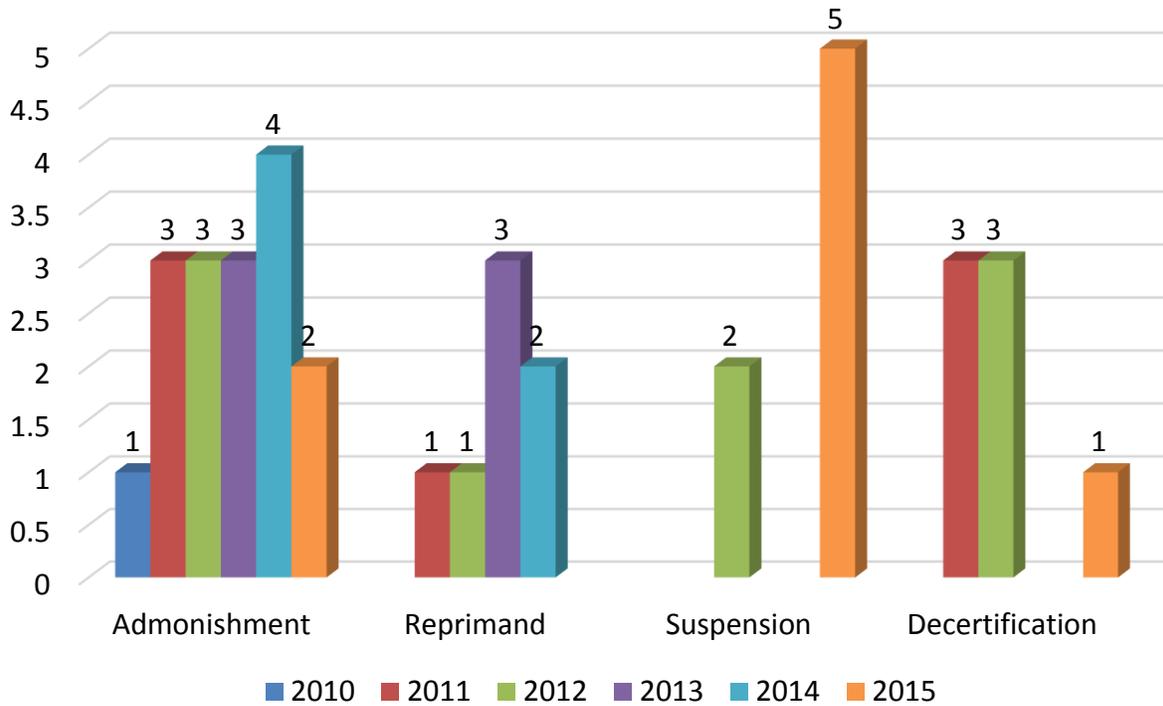
Five Year Comparison of Dismissals



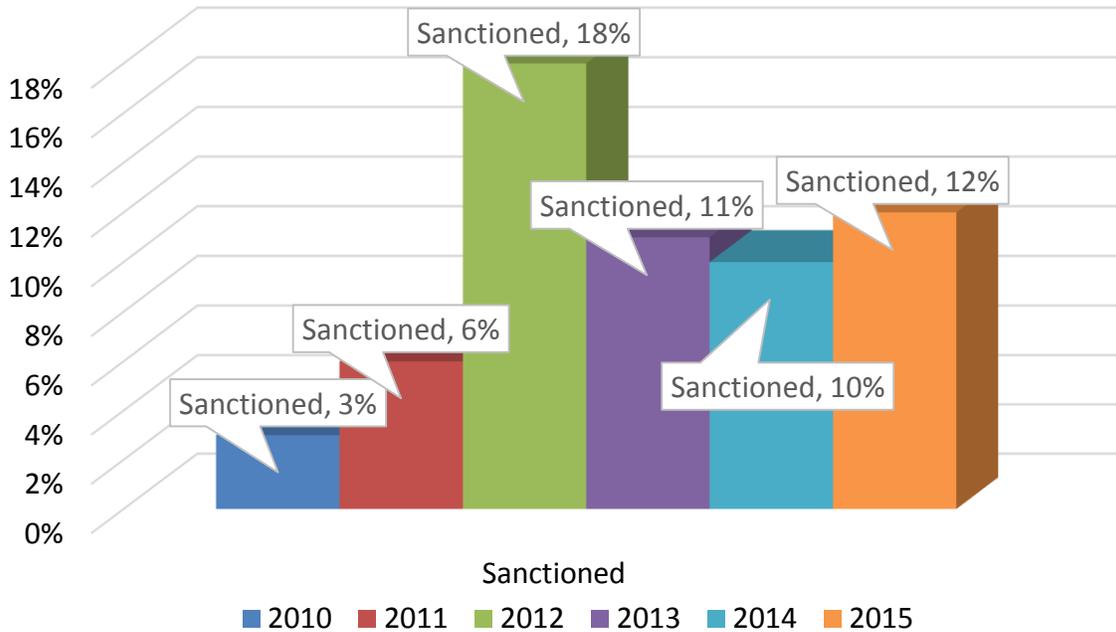
Five Year Comparison of the Percentage of Dismissed Grievances



Five Year Comparison of Sanctions



Five Year Comparison of Percentage of Grievances that Result in Sanction



Appendix B

